

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
)
v.) CASE NO. 2:05CR303-MEF
)
DOROTHY JEAN RAWLS)

ORDER

Pending before the court is a Motion For Suppression of Evidence, filed on 30 January 2006 by the defendant, DOROTHY JEAN RAWLS [“Rawls”](Doc. # 21). The facts underlying the criminal charge in this case involve an investigation conducted by the United States Postal Service during which Rawls was questioned in her supervisor’s office by a postal inspector. In her motion, Rawls limited her constitutional challenge to the failure of the postal inspector to advise her of her *Miranda* rights before questioning her. The evidentiary hearing on the motion is set for 6 March 2006.

On 27 February 2006, the government filed a supplemental response titled “United States’ Notice of Case Status Development and Newly Discovered Evidence”. The government provided discovery to Rawls on 28 December 2005, but discerned during a conference with the postal inspector on 21 February 2006 that an Andalusia police officer was present during a portion of Rawls’ questioning at the post office. It further appears that Rawls may have been questioned at the Andalusia police station after officers advised her of her *Miranda* rights.

Based upon the foregoing information, it is ORDERED that, on or before 3 March

2006, Rawls' counsel shall file a Notice which advises the court of the following:

1. Whether he knew of Rawls' questioning at the Andalusia police station at the time he filed the amended motion to suppress;
2. If not, whether he wishes to broaden his inquiry at the evidentiary hearing set for 6 March 2006, and if so, to what extent; and
3. Whether he wishes, on Rawls' behalf, to add grounds to the motion for suppression, and if so, the precise claims to be added.

It is further ORDERED that:

1. Inspector Aaron and Lt. Jerry Parker shall be present at the evidentiary hearing, along with any other person who was present when Rawls was questioned at the post office and at the Andalusia police station;
2. The case agent shall show cause at the hearing via sworn testimony why the information in Document 25 was not disclosed to government's counsel before 21 February 2006.
3. Counsel for the government shall produce the audio tape at the hearing.

DONE this 1st day of March 2006.

/s/ Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE